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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/503,532	02/14/2000	William Y. Hall	blbv-24.759	6743

25883 7590 03/21/2003

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EXAMINER

KEMPER, MELANIE A

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 03/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/503,532

Applicant(s)

HALL, WILLIAM Y.

Examiner

M Kemper

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,8-19 and 23-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,8-19 and 23-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 11.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 3622

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 8-19, 23-30 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Leatherman in view of Goodwin III, patent number 6026373.

Leatherman teaches a method and corresponding system of advertising during a commercial transaction comprising providing one or more commercial transaction locations; transmitting from a central location customer profile information and using the information to generate programming information for presentation (see at least figs. 1,3, 5,9,26A, 26B, col. 36, line 45 col. 38, line 15, col. 10, lines 55-65, col. 21, lines 40-50, col. 24, lines 50-65, col. 35, lines 40-60). Leatherman also teaches wireless communication (see at least col. 8, lines 1-10, col. 22, lines 35-55, col. 24, lines 50-65); audio/video presentation (see at least fig 5, (86) col. 9, lines 10-20, col. 37, lines 25-40); transmitting a unique ID (see at least col. 36, lines 45-50); customer profile information is merged with update and advertising information (see at least col. 37, lines 5-15); programming information transmitted to the commercial transaction locations (see at least col. 37, lines 15-40); programming information structured to priorities (see at least col. 38, lines 10-15); modifying programming information (see at least col. 37, lines 45-67); customer profile information is updated according to type of purchase (see at least col. 38, lines 5-10, col. 14, lines 50- col. 15, line 45); where it is inherent that the commercial transaction system is uniquely addressable since this is necessary at least

Art Unit: 3622

for the bi-directional communication with the transaction system and since specific information is transmitted to/from a specific transaction system (col. 8, lines 20 – col. 9, line 30).

Goodwin III teaches converting the information into a word which is transmitted to an electronic price label from a central computer, and decoding the word to generate programming information (col. 2, lines 30-65, col. 3, lines 15-25). It would have been obvious to one having ordinary skill in the art at the time of the invention to have converted the profile information of Leatherman into a profile word as in Goodwin since transmitting the information in a word format would have provided conservation of bandwidth, more reliable and faster transmission as suggested in Goodwin (col. 1, lines 55-65). It also would have been obvious to have merged the word with advertising information since this would have provided the custom display as taught in Leatherman.

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Montero, 6133912 teaches compressing profile information for transmission and decompression of information (col. 4, lines 35-65).

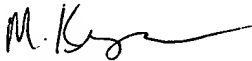
Hohle et al., 6101477 teaches coding user preferences (col. 20, line 45 – col. 21, line 45).

4. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M Kemper whose telephone number is 703-305-9589. The examiner can normally be reached on M-F (9:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric W. Stamber can be reached on 703-305-8469. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.


M Kemper
Primary Examiner
Art Unit 3622